

Application No. 10/602,515
Filed: June 24, 2003
TC Art Unit: 3744
Confirmation No.: 8865

REMARKS

Claims 1-6 are pending in the present application. The pending claims have been rejected by the Examiner under 35 U.S.C. § 103. Applicant has amended claims 1 and 3 herein and canceled claims 2 and 4-6. The amendments are supported by the specification and the originally filed claims such that new matter has not been presented. The amendments have particular support on pages 5 and 6 of the specification. Accordingly, claims 1 and 3 are to be pending on the entry of the amendments herein.

Amendments to the claims should not be construed as acquiescence to any of the rejections by the Examiner and were provided solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Applicant requests reconsideration and withdrawal of the rejections by the Examiner in view of the above amendments and the remarks herein.

Claim Rejections 35 U.S.C. § 103

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,824,454 to Kondo et al. in view of U.S. Patent No. 3,433,028 to Klee et al. Claims 2 and 4-6 have also been rejected under 35 U.S.C. § 103 as being unpatentable over Kondo et al. in view of Klee et al. and U.S. Patent No. 5,327,729 to Yanai et al. Applicant respectfully responds to these rejection through amendments and remarks presented herein.

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(1) Claims 1 and 3 have been rejected by the Examiner as being unpatentable over Kondo et al. in view of Klee et al. The Examiner has contended that Kondo et al. in combination with Klee et al. teach a system for cooling an object comprising a preserving vessel, a condenser chamber containing the cold parts of a refrigerator for reliquefying vaporized cryogen and a liquid nitrogen cylinder for supplying liquid cryogen to the preserving vessel. Applicant has amended claim 1 to require inter alia a valve associated with a liquid supply pipe that can be opened to provide liquid nitrogen from the cylinder to the preservation chamber. Liquid nitrogen supplied to the preservation chamber can be used to maintain the temperature within the chamber. The advantage of this requirement is that as refrigeration of the chamber is interrupted, a predetermined temperature for the claimed system may be sustained. Page 7 at line 22.

In contrast, the cited references plainly do not teach a valve associated with a liquid supply pipe that can be opened to provide liquid nitrogen to a preservation chamber as required by claim 1. The cited references also do not suggest that this requirement may be used to supply a preserving chamber with liquid nitrogen for maintaining a predetermined temperature in a preserving system should refrigeration of the preserving chamber be interrupted.

The patent laws require that a reference(s) disclose each limitation of the claim under consideration to establish a prima facie basis for obviousness. Applicant submits that Kondo et al. and Klee et al. do not disclose individually or through combination a valve associated with a liquid supply pipe that can be opened to provide liquid nitrogen to a preservation chamber.

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Thus, Applicant respectfully requests withdrawal of the rejections by the Examiner under 35 U.S.C. § 103.

(B) Claims 2 and 4-6 have been rejected by the Examiner as being unpatentable over Kondo et al. in view of Klee et al. and Yanai et al. The Examiner has contended that Kondo et al. in combination with Klee et al. and Yanai et al. teach a system for cooling an object comprising a preserving vessel, a condenser chamber containing the cold parts of a refrigerator for reliquefying vaporized cryogen, a liquid nitrogen cylinder for supplying liquid cryogen to the preserving vessel and a discharge path and safety valve in communication with the condenser chamber. Applicant has canceled claims 2 and 4-6 such that the rejections by the Examiner have been overcome. Applicant has also incorporated the limitations of these claims into the system of claim 1.

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CONCLUSION

In view of the amendments and remarks presented herein, reconsideration and withdrawal of all the rejections and allowance of the application with all pending claims are respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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